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July 13, 2020

VIA EFILE

Honorable Pamela K. Chen  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza  
New York, New York 11201

Re: United States v. Webb et al., 15 CR 252 (S-2) (PKC)

Dear Judge Chen:

We submit this supplemental letter to update the Court on developments in connection with Juan Ángel Napout's renewed motion for sentence modification.

First, in the few days since we filed our motion, the number of positive COVID-19 tests at FCI Miami (as reported by the Bureau of Prisons) has increased from 11 to 20 inmates, and from 2 to 6 staff members. On July 9, 2020, Kareen Troitino, President of the area correctional officers' union, told the media that the facility is not providing adequate personal protective equipment to correctional officers.<sup>1</sup> Disturbingly, he also recounted that one area hospital was trying to return an inmate to a local facility, "but the facility is the worst environment and we're in a catch-22."<sup>2</sup> Finally, Troitino said that "in one area [of FCI Miami] that held 60 inmates over 22 tested positive and that's only after testing 28."

The Bureau of Prisons denied that there was a PPE problem or that 22 inmates tested positive, responding that there were "only 16 inmates positive with COVID-19 at this

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1. William Shepard, *South Florida Federal Corrections Officers Warn of Potential Coronavirus Crisis Brewing*, NBC South Florida (July 9, 2020 6:44 PM), <https://bit.ly/3iQq3r7>.
  2. *Id.*

institution.”<sup>3</sup> Despite this assurance, the Bureau of Prisons reported over the weekend that 20 inmates have tested positive for the virus.<sup>4</sup>

Second, due to the 21-day lockdown at FCI Miami, counsel has not been able to schedule a phone call with Mr. Napout. Nor do we know if the facility will permit Mr. Napout to participate in the conference call with the Court on July 15, 2020. It is Mr. Napout’s desire to participate in the conference, and to communicate by phone with counsel prior to the conference. We request that the Court order FCI Miami to facilitate a phone call between Mr. Napout and counsel prior to the court conference, and to permit Mr. Napout’s participation in the conference itself. However, to the extent such accommodations are not possible, we have confirmed with Mr. Napout through e-mail that he will waive his appearance, as we do not want to delay the scheduled court conference for any reason in light of the rapidly growing health crisis at the facility.

Respectfully submitted,

/s/ Marc A. Weinstein  
Marc A. Weinstein

CC: All counsel of record via ECF

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3. *Id.* (emphasis added).

4. *COVID-19 Coronavirus*, Bureau of Prisons (July 12, 2020), <https://bit.ly/3atNXnP> (updating regularly).